



## UNITED STATES DISTRICT COURT

for the

NORTHERN District of NEW YORK

United States of America

v.

Case No. 8:18-MJ-727 (GLF)

Ashish Baldevbhai PATEL

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of December 7, 2018 in the county of Franklin in the NORTHERN District of NEW YORK, the defendant violated 8 U. S. C. § 1326 (a), an offense described as follows:

The defendant, Ashish Baldevbhai PATEL, an alien, after having been removed from the United States, entered and thereafter was found in the United States without having obtained the express consent of the Secretary of the Department of Homeland Security for reapplication for admission into the United States.

This criminal complaint is based on these facts:

On December 7, 2018, United States Border Patrol (USBP) agents at the Massena Border Patrol Station witnessed a silver Ford Expedition bearing Connecticut registration enter the Comfort Inn parking lot. This area, located in Northern New York on the Akwesasne Mohawk Indian Reservation (AMIR), is approximately two miles from the international boundary with Canada. Agents ran a registration check on the vehicle and discovered it to be a Hertz rental. From agents experience, rental vehicles operating on the AMIR are utilized in furtherance of illegal aliens into the United States. The silver Ford Expedition entered the parking lot and was attempting to find a parking spot. After approximately five minutes, agents noticed no one had entered the hotel lobby, but two individuals had exited the Expedition and were smoking cigarettes.

Shortly after, the two subjects re-entered the silver Ford Expedition and began to leave the Comfort Inn parking lot. While at the intersection with the roadway and the hotel lot, they waited for approximately five additional minutes. At this time, agents noticed four subjects inside the hotel came into the agents view as they were in the lobby, simultaneously, the silver Ford Expedition relocated and parked under the canopy of the hotel. Then, the four subjects inside the hotel lobby were witnessed quickly leaving the lobby and then entering the Expedition. The agent noticed the subjects were not speaking English when they exited the hotel.

The vehicle proceeded out of the Comfort Inn parking lot toward the exit for State Route 37. The exit is a westbound exit only, but the vehicle illegally made a left turn and proceeded eastbound on State Route 37, and quickly turned onto State Route 95, southbound, leaving the Akwesasne Mohawk Reservation area.

Marked USBP agents eventually caught up with the vehicle, activated their emergency lights, and yielded the Silver Ford Expedition on State Route 95 in the town of Bombay, NY.

The agent approached the vehicle and identified himself as a United States Border Patrol agent. Agents roadside were not able to verify any immigration status and all parties were reluctant to divulge information. Agents then transported all parties, the vehicle, and its contents back to the Massena Border Patrol Station for further investigation.

At the Massena Border Patrol Station, fingerprints of Ashish Baldevbhai PATEL were taken utilizing the IDENT/IAFIS system and it was discovered that PATEL was a resident of India, and possessed no valid immigration status in the United States and was not admitted or paroled into the US. Record checks further revealed that PATEL was previously ordered removed by an Immigration Judge on 12/11/2011 and was formally removed from the United States on 1/4/2012 in Newark, NJ.

  
Complainant's signature

Tyler W. Shaver, Border Patrol Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: December 11, 2018

City and state: Plattsburgh, New York

  
Judge's signature  
Gary L Favro, U.S. Magistrate Judge, N.D.N.Y.